

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Khammam District – Revision Petition filed by Sri Duggineni Keshava Rao S/o late Muthaiah R/o Nacharam village, Enkoor Mandal, Khammam District against orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.85/2005, dated 17.11.2007, in respect of land admeasuring acs.4.00 gts in Sy.No.81/AA situated in Nacharam village of Enkoor Mandal, Khammam District – DISMISED – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.67

Dated:09.10.2023.
Read the following:-

1. Orders of Special Deputy Collector (Tribal Welfare), Bhadrachalam in LTR case No.174/98/ENK, dated 7.3.2005.
2. Orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No. 85/2005, dated 17.11.2007.
3. Revision Petition filed by Sri Duggineni Keshava Rao S/o late Muthaiah R/o Nacharam village, Enkuru Mandal, Khammam District, dated 26.02.2008.
4. Govt.Memo.No.1759/TW.LTR/2008, dated 15.03.2008
5. Lr.No.WP No.6645/2008/SW/DSNVPB, dated 29.03.2008 of Govt. Pleader for Social Welfare, High Court of AP, Hyderabad.
6. From the Additional Agent to Government, Bhadrachalam, RP No. 1759/LTR-2/2008-1 (CMA No.85/2005), dated 20.11.2008.
7. Govt.Letter/Notice.No.1759TW.LTR/2008, dated 21.04.2016, 09.06.2016, 05.07.2016, 12.09.2016, 15.10.2016, 1.12.2016, 0.01.2017, 08.03.2017, 27.04.2017, 07.06.2017, 2.07.2017, 11.08.2017, and 27.10.2020.
8. Affidavit dated 16.7.2016 filed by Counsel for Revision Petitioner.

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ORDER:

In the reference 3rd read above, Sri Duggineni Keshava Rao S/o late Muthaiah R/o Nacharam village, Enkoor Mandal, Khammam District has filed the Revision petition through his Counsel before the Government on 24.2.2008 against orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.85/2005, dated 17.11.2007, in respect of land admeasuring acs.4.00 gts in Sy.No.81/AA situated in Nacharam village of Enkoor Mandal, Khammam District.

2. The history of the case is that on the report of Special Deputy Tahsildar (TW), Bhadrachalam dated 3.10.1998, LTR case No.174/98/ENK was registered by the Special Deputy Collector (TW), Bhadrachalam against the non-tribal respondents viz., 1) Nallani Narayana R/o Nacharam; 2) Yeruva Nageswara Rao S/o Narayana; 3) Chiluguri Nageswar Rao S/o Narayana; and 4) Duggineni Keshava Rao S/o late Muthaiah R/o Nacharam while Sri Khaja Kuddush Siddique R/o Nacharam was proforma petitioner. The case was disposed on 7.3.2005 in the reference 1st read above, with the following findings:

- Respondents 3 and 4 present on 16.2.2005. R3 deposed that he and R4 purchased the suit land in Sy.No.81 to an extent of acs.1.00 from the petitioner during the year 1969. Out of acs.1.00, R3 is in possession of 0.20 gts only, another 0.20 gts is in possession by R4.
- Perused deposition of R3 and R4. They deposed that they are in possession of acs.1.00 only. Remaining acs.3.00 is not in their possession as per the report of Special Deputy Tahsildar (TW), Bhadrachalam.
- Respondents failed to produce the sale deed and also failed to produce LR receipts from 1968-69 onwards and also failed to file pahani extracts from 1968-69 onwards to prove their possession.

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- It is clear that the respondents have entered the suit land after enforcement of Regulation I of 1959 R/W 1/70 which is void under law. Hence, the suit land ejected to Government for assignment to the eligible tribals as per rules in force.

3. Aggrieved by the above orders of the Special Deputy Collector (TW), Bhadrachalam, the appellant Sri Duggineni Keshava Rao S/o late Muthaiah R/o Nacharam (v), Enkoor Mandal had filed the statutory appeal before the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam which was numbered as CMA 85/2005 and disposed on 17.11.2007 in the reference 2nd read above, with the following findings:

- R3 and R4 in the lower court not stated about death of R1. Even before this court also not filed any proof of death. In the appeal petition, appellant shown 1st respondent Khaja Kuddush Siddik as dead and other side contesting the order against the dead person, is null and void.
- Before the lower court, R3 Ch.Nageswara Rao deposed that he and R4 D.Keshava Rao had purchased the land to an extent of acs.1.00 in Sy.No.81 from the petitioner during 1969. R3 is in possession of 0.30 gts out of ac.1.00 and R4 is in possession of 0.29 gts – the same was confirmed by R4.
- Respondents deposed that sada sale deed and connected record evidence available in their house. Contrary to their depositions given in the lower court, the appellant stated in the appeal he got the schedule property through Will Deed dated 10.03.1970. As per the said document the land was handed over to the appellant on 10.03.1970, which is a clear violation of the Regulation. The appellant had taken different stand different stand from lower court to appellate court.
- Photo copy of will deed dated 10.03.1970 reveals that Avirineni Sessaiah handed over acs.4.10 in Sy.No.81 to Dugineni Keshava Rao (appellant) through the said will deed out of the land purchased from Khaja Mohinuddin through registered sale deed dated 25.04.1967 (photo copy) which is clear violation of Regulation 1/59 amended by 1/70.
- Appellant had filed photo copy of registered sale deed and further contended that resjudicata is applicable under regulation but not filed any previous order of the lower court.
- Appellant further contended that report of the Deputy Tahsildar was not served on them. But, he did not ask for the report in lower court – however burden is on the non-tribal to prove that the transaction is not hit by Regulation 1 of 1959 as amended by 1 of 1970. Further, he has not filed any pahani extracts for the crucial period except pahani of 2003-04 which is no way helpful to his case.
- Appeal was dismissed with a direction to the Tahsildar, Enkoor to take over possession of schedule land into Government custody evicting the persons whoever in the possession and assign to the eligible tribals as per rules in force.

4. Aggrieved by the orders of Additional Agent to Government, Bhadrachalam, in the reference 3rd read above, Sri Duggineni Keshava rao S/o late Muthaiah R/o Nacharam village, Enkoor Mandal, Khammam District has filed the present Revision before the Government on 24.2.2008 urging the following grounds:

- i) 1st Respondent (Additional Agent to Government, Bhadrachalam) totally failed to consider and appreciate written arguments filed on 15.6.2005 on behalf of the petitioner herein and passed the order under revision without any justification and therefore, the impugned order under appeal is liable to be set aside in obedience of the decision of the Hon'ble High Court of Judicature AP as reported in 2003 (3) ALT

page-127 and 2005 (2) ALT page-462 wherein the Hon'ble High Court declared that order passed without considering the written arguments cannot be sustainable under law and the orders passed showing the dead persons as petitioners, is not maintainable under the law.

- ii) 1st Respondent having considered the averment that the 2nd respondent (Special Deputy Collector (TW), Bhadrachalam) has not at all conducted any enquiry and even to the fact that, whether the alleged petitioner to his proceedings and to the impugned order dated 12.04.2005 in LTR case No.22/2001/PNK dead or alive, and without appreciating the contention of the appellant that the said petitioners died long before the initiation of the case and that therefore, the proceedings are nullity, and passed order under revision on presumptions and assumptions, and contrary to the settled law and decisions of the Hon'ble High Court and the Hon'ble Supreme Court of India, and contrary to the provisions of Sec.3 of the Regulation 1/1970.
- iii) Respondents 1 & 2 having noticed that there is no tribal interest involved in the schedule land, applying the presumption envisaged under the Regulation 1/1970 and passing the order without there being any contention of any rival party is contrary to the spirit of the legislation and against the decision of the Hon'ble High Court reported in 1978 (2) APLJ page-292 and on the other hand causing grave prejudice to the revision petitioner.
- iv) 1st Respondent (Additional Agent to Government, Bhadrachalam) without considering the contentions of the petitioner that he succeeded the schedule land under Will Deed dated 10.03.1970, and on the other hand considering the alleged version of the Respondent No.3 (Mandal Revenue Officer, Enkoor) to the lower court proceedings is not tenable under law and the respondents 1 & 2 ought to have disposed of the case on the material put before it, but not on assumptions and presumptions.
- v) Respondents 1 and 2 failed to note and appreciate that the acquisition of the schedule land by the petitioner under will dated 10.03.1970 is not come within the expression of transfer as envisaged under Sec.2 (d) of the Regulation 1/1959 and ought to have passed order accordingly.
- vi) Respondents 1 & 2 not justified in directing the 3rd respondent to take over possession of the schedule land for the purpose of assignment to the members of Scheduled Tribe, without appreciating the provisions of Sec.3(2)(a) of the L.T. Regulation 1/1959 and failed to consider the decision of the Hon'ble High Court in Vasudha Mishra's case as reported in 1998 (1) ALT 680, and failed to follow the guidelines issued by the Hon'ble High Court in the said case and failed to note that as per the said provision of Law, the Government cannot take possession of the schedule land and on the other hand the schedule land is liable to be restored to the vendor of the petitioner.
- vii) 1st Respondent not at all exercised its powers as an appellate authority and ought to have at least remanded the case for denovo enquiry to the 2nd respondent by giving an opportunity to prove the averments by producing deemed evidence before the 2nd respondent during trial, and failed to appreciate that the 2nd respondent passed the order without any trial or enquiry and ought to have set aside the impugned order.
- viii) 1st Respondent in the absence of any counter averments from the respondents to the appeal before it, ought to have accepted the contents of the appellants and ought to have given an opportunity of

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being heard in due process of law, but on the other hand without considering the written arguments filed on behalf of the petitioners passed order under revision with the observations as much as a counter to the arguments causing grave prejudice to the petitioner.

- ix) The observations of the 1st Respondent that the burden lies on the petitioner is only misconception of law and the respondents 1 and 2 ought to have appreciated that the prima-facie burden of establishment of the nature of transaction attracting the provisions of Regulation 1/1970 is always on the part of the petitioner or the authority at whose instance the case is initiated.
- x) The observations of the 1st and 2nd respondents by giving much credence to the village accounts without considering that the said accounts are maintained by the 3rd respondent for fiscal purpose for collection of land revenue and passing order without conducting any enquiry and without appreciating the pleadings of the appellants is absolutely arbitrary and is against the decision of the Hon'ble Supreme Court of India reported in 2007 (7) SCJ 33 (para-9), AIR 1994 SC 1653 and AIR 1997 S.C. 2181, that the entry made in the revenue register cannot form the basis for declaration of title of any person.
- xi) The observation of the 1st respondent that unless a death certificate is produced no person's death can be considered as true is not correct and failed to note that in the absence of any death certificate (s) death can be proved on various methods, and ought to have given opportunity to adduce evidence in proof of the death of the petitioner.
- xii) The impugned orders of the 1st & 2nd respondents without appreciating the fact that the petitioner is a landless poor person and that there is no tribal interest or government interest involved in the schedule land, and directing for ejection of the petitioner from the schedule land to take possession by the Government, without conducting any enquiry even in summary manner, more particularly when the petitioner is proving his possession as the successor of the original owner under the will cannot be sustained under Law and is against the decision of the Hon'ble Supreme Court of India reported in 1982 (2) APLJ 7 (S.C).

5. In the reference 4th read above, Government, communicating the filing of revision petition by Sri Duggineni Keshavarao to the District Collector, Khammam and the Project Officer, ITDA, Bhadrachalam and requested to intimate the date of dispatch and receipt of Order of Additional Agent to Government, Bhadrachalam to petitioner so as dispose the case at Government level.

6. In the reference 5th read above, the Govt. Pleader for Social Welfare, High Court of AP, Hyderabad has informed that Government that the Revision Petitioner Sri Duggineni Keshava Rao has filed WP No.6645/2008 before the Hon'ble High Court praying to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing appropriate orders either on the stay petitioner or on the revision itself filed on 25.2.2008 against the orders of the 2nd respondent dated 17.11.2007 in CMA No.85/2005, as illegal, arbitrary and violative of principles of natural justice. When the matter came up for admission before the Hon'ble Court on 28.3.2008, the Hon'ble Court was pleased to dispose off the writ petition at the admission stage with a direction to decide the Revision.

7. In the reference 6th read above, the Additional Agent to Government, Bhadrachalam had submitted para-wise remarks along with connected case record of CMA/85/05. The gist of para-wise remarks is as follows:

- i) With regard to contention of the petitioner that the lower court passed orders without verifying the petitioner dead or alive – originally LTR case 174/98/ENK was initiated before the 2nd respondent herein between Khaja Khuddush Shiddik as petitioner and Nalla Narayana and

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3 others in which revision petitioner was 4th respondent before 2nd respondent. The lower court passed ejectment orders and against the said orders, the revision petitioner herein (i.e. 4th respondent in lower court) filed CMA 85/05 before the 1st respondent herein showing K. Kuddush Siddik as 1st respondent dead on which ground the appeal which cannot lie against a dead person is liable to be dismissed. But the Revision Petitioner has not produced any death certificate before the 2nd respondent or 1st respondent to show that K.Siddik died while proceedings were pending – therefore, in the absence of any documentary proof, the Revision Petitioner's version cannot be accepted.

- ii) The schedule land is situated in the agency area and burden of proof lies on the non-tribal to prove that his possession is not in contravention of the provisions of Land Transfer Regulation.
 - iii) With regard to contention of the petitioner that he succeeded the schedule property through will deed dated 10.03.1970 – before the 2nd respondent the present revision petitioner and one Ch.Nageswar Rao (3rd and 4th respondents in the SDC court) present on 16.02.2005 and deposed that they have purchased only ac.1.00 land from the petitioner K.Siddik during the year 1969 and remaining land is not in their possession. As per the said deposition, the schedule land was purchased from K.Siddik. Contrary to their deposition before the lower court, the revision petitioner has taken a new plea that he succeeded the schedule property through will dated 10.03.1970. Therefore, the decisions of the Hon'ble High Court and the Hon'ble Supreme Court are not applicable to this case. Further, Pahani copy of 2003-04 shows name of revision petitioner in enjoyers column for the entire suit land of acs.4.00 but not as pattedar which clearly shows that he is in possession of others patta land contrary to the Land Transfer Regulation. The alleged will was brought into existence with an intention to overcome the LT Regulation. Therefore, the revision petitioner's plea is not correct.
 - iv) As per orders of the Hon'ble High Court of AP in WA No.78/1991 and 1664/1988 and WP Nos.13377/1986, 13470/86, dated 13.02.1993 published in 1993 (1) ALT 409 (FB) in Vemula Somalla Vs Special Deputy Collector (TW) Rampachodavaram "when a non-tribal transfers the land to a non-tribal in contravention of the provisions of Sec.3 (1) (a), he will not be entitled to ask the authorities for restoration of the property in his favour invoking the provisions of clause (a) of sub-sec.(2) of Sec.3. The said clause will not apply to a non-tribal transferor". As per decisions of the Hon'ble High Court, the lower court rightly passed ejectment orders.
8. In the reference 7th read above, the case is called on the following dates:
- | | | |
|------------|----|---|
| 30.4.2016 | .. | Both parties called absent.
Adjourned. |
| 18.6.2016 | .. | Adjourned. |
| 16.7.2016 | .. | Both parties called absent.
Adjourned. |
| 24.9.2016 | .. | Both parties called absent.
Adjourned. |
| 19.11.2016 | .. | Both parties called absent.
Adjourned. |
| 21.1.2017 | .. | Adjourned. |
| 04.3.2017 | .. | Adjourned. |
| 15.4.2017 | .. | Both parties called absent.
Adjourned. |
| 27.5.2017 | .. | Both parties called absent.
Adjourned. |

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01.7.2017	..	Both parties called absent. Adjourned.
26.8.2017	..	Adjourned.
07.11.2020		Both parties and their counsels Called absent. The Deputy Tahsildar, Enkoor present with the record and also reported that the Revision Petitioner was not found at his home, however he was informed over phone at his mobile No.9121546481 about the hearing of Revision Petition by Government.

Case is pending since 24.02.2008 i.e. for more than 15 years.

9. In the reference 8th read above, the counsel for petitioner has filed affidavit on 16.7.2016 stating that the village Nacharam is originally situated in the erstwhile Madhira Taluk of Warangal District till 21.04.1950. The Hon'ble President of India taking into consideration of the villages situated in the State of Hyderabad covered under the Notification No.2 dated 16.11.1949 exercised his powers under paragraph-6 of the V Schedule and issued C.O.No.26 dated 7.12.1950 which is called as "Scheduled Areas (Part-B) States Order, 1950" and declared those villages as Scheduled Areas. Therefore, since the village Nacharam is remained as part of erstwhile Madhira Taluk of Warangal District since prior to 16.11.1949 till 21.04.1950, it is not included in the list of Scheduled Area villages as notified by the State of Hyderabad in its Notification No.2 dated 16.11.1949 and accordingly, the village is not come within the scheduled areas as declared by the Hon'ble President of India in C.O.No.26, dated 7.12.1950. But the respondents herein, high handedly and in abuse of official powers vested with them, not only treating the village Nacharam as part of the Scheduled Area but also applying provisions of special laws applicable in the Scheduled Areas of the State, including the provisions of AP Scheduled Areas Land Transfer Regulation 1/1959 r/w Regulation 1/1970 illegally and also passing ejectment orders without jurisdiction. The impugned orders issued by the 1st and 2nd respondents of this revision also one of them.

The adjudication regarding treating Nacharam as part of Scheduled Area in the Paloncha Revenue Division, is already subjudiced before the Hon'ble High Court of Judicature, Hyderabad in WP No.5979/2016 and the Hon'ble Authority i.e the Government of Telangana is the 1st respondent to the Writ Proceedings, and the Hon'ble High Court pleased to grant stay of all further proceedings in LTR case No.09/2016/ENK on the file of the 3rd respondent herein, vide order dated 24.02.2016 in WPMP No.7592/2016.

Therefore, the Counsel for petitioner prayed the Government to lie over all further proceedings in the above Revision Petition, pending finalization of the legal question involved in WP No.5979/2016 that whether Nacharam village comes within the non-scheduled area or not, to proceed further for just disposal, in the interest of justice and equity.

The counsel for revision petitioner herein enclosed a copy of the interim order of the Hon'ble High Court passed in WPMP No.7592 of 2016 in WP No.5979 of 2016 filed by Devabathula Usha Rani W/o Ramakrishna praying to stay all further proceedings in LTR case No.09/2016/ENK dated 04.2.2016 on the file of 3rd respondent (Special Deputy Collector (TW), Bhadrachalam) pending WP No.5979 of 2016 on the file of the High Court. The Hon'ble High Court has made the following interim order on 24.2.2016:

"In the light of the interim orders granted by this Court in similar matters, there shall be interim stay of all further proceedings pursuant to the impugned notice in Form-E issued in LTR case No.09/2016/ENK pending further orders.

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10. Observations:

- i) Whether Nacharam village is a non-scheduled village as contended by the revision petitioner pursuant to WP No.5979 of 2016 pending before the Hon'ble High Court filed by one Devabathula Usha Rani W/o Ramakrishna against LTR case No.09/2016/ENK dated 04.02.2016 on the file of Special Deputy Collector (TW), Bhadrachalam)?
- ii) Whether will deed dated 10.3.1970 produced by the Revision Petitioner before the Additional Agent to Government, Bhadrachalam, is genuine and valid?

11. Findings

With regard to observation (i), one Sri Katta Nageshwasr Rao S/o Adinarayana, Agriculturist, R/o Thuthaklingannapet of Enkoor Mandal, Khammam District had filed WP No.43687/2017 on 19.12.2017 before the Hon'ble High Court for the State of Telangana at Hyderabad against the respondents 1) State of Telangana (represented by its Principal Secretary, Tribal Welfare Department); 2) District Collector Cum Agent to the Government, Bhadradi Kothagudem District; 3) Special Deputy Collector (Tribal Welfare), Bhadrachalam; 4) Union of India (represented by its Principal Secretary, Ministry of Home Affairs, New Delhi) and 5) Punem Koteswara Rao S/o Ramesh, Agriculturist R/o Lalithapuram (v), Yellandu Mandal, Bhadradi Kothagudem District praying:

"to issue any Appropriate Writ or Order or Direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in treating petitioner village i.e. Thuthaklingannapet Village Enkoor Mandal, Bhadradi Kothagudem District as a Tribal Village within the Scheduled area and issuing the notice vide LTR case No.75/2017/ENK dated 08/11/2017 as unconstitutional and without jurisdiction and in violation of Article 244 (1) and Sub-Paragraph 1 of Paragraph 6 PART-C of the Fifth Schedule of the Constitution of India R/W Article 372 of the Constitution of India consequently declare that petitioner village i.e. Thuthaklingannapet (V), Enkoor Mandal, Bhadradi Kothagudem District is not a notified Tribal Village".

The above WP 43687/2017 was disposed on 3.8.2018 making the following order (operative part is as extracted below):

"Para 3. Subsequently, the Government of Hyderabad issued Notification No.21, dated 21.04.1950, reorganizing the Taluqs in Warangal District. In such re-organization, 39 villages of the then Madhira Taluq were transferred to Palvancha Taluq on administrative grounds and/or for administrative convenience. There upon, certain villages became part of Chandrugonda Girdawar circle of Palvancha Taluq. The said Circle was also not declared as a notified tribal area or scheduled area. The said fact is evident from the above said notification No.21, which was issued in exercise of the power conferred by Section 5 of Hyderabad Land Revenue Act 8 of 1317 F. The alterations or re-organizations of villages were affected only for administrative convenience and on administrative grounds and on such alterations of the boundaries, the village, which was not originally Scheduled Area or a specified part of Scheduled Area does not acquire the status of a Scheduled Area or a Tribal Village. The relevant contents of the Presidential Order in C.O.No.26, dated 07.12.1950 contain a reproduction verbatim and adaptation of notification no.2, dated 16.11.1949, where-under the subject village was not notified as a Tribal Village; the said village being in Madhira Taluq of Warangal District. The villages which were notified as Tribal Villages by notification no.2 are only Tribal Villages and come within the Scheduled Areas as the said notification was adopted by the President of India as per the provision of the relevant Article of the Constitution of India and the subject village was not included in the notification no.2/1949.

"Para 9. On an analogy the ratio in the above stated decision that the power to declare an area as a Scheduled Area vests exclusively in the

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President under Para 6 (1) and 6 (2) (a) & (b) of the V Schedule to the Constitution and no one else and that the status of a Non-Scheduled Area will not change as a Scheduled Area by way of rectification of boundaries or by mere re-organization of Taluqs and inclusion of villages hitherto located in one Taluq in another Taluq applies to the facts of the instant case. Further, the mere fact that a particular group of villages were removed from one Taluq and were merged with another Taluq would result in their cessation as notified tribal areas if they were originally notified tribal areas. In other words, the mere fact that a particular set of villages were removed from one Taluq and merged with another Taluq would not result in their acquiring status of notified tribal areas when those villages were not originally notified tribal areas.

Para 10. In view of the afore-stated decision of the learned single Judge and the undisputed facts of the present case, this Court is of the considered view that this writ petition deserves to be allowed. However, learned Government Pleader submitted that against the afore-said order of the learned single Judge, a writ appeal has been preferred. In reply, learned counsel for the petitioner submitted that till the disposal of the writ appeal, this writ petition need not be kept pending.

Para 11. Having regard to the facts and submissions and as this Court is in agreement with the ratio in the afore-stated decision of the learned single Judge of this Court that the power to declare an area as a Scheduled Area vests exclusively in the President under para 6 (1) and 6 (2) (a) & (b) of the V Schedule to the Constitution, this Court finds that the writ petition deserves to be allowed.

Para 12. In the result, the Writ Petition is allowed as prayed for.

Government had Writ Appeal No.1599 of 2018 and the Hon'ble High Court has delivered common judgement on 22.01.2021 in WA No.1599 of 2018 & WP (PIL) No.127 of 2020 – operative part is as follows:

"Para 8. The view taken by the learned Single Judge vide order dated 25.11.2019 in WP No.1554 of 2016 was affirmed by this Court in WA No.373 of 2020 vide order dated 20.10.2020. The notification No.2 dated 16.11.1949 issued by Raj Pramukh (Hyderabad) State followed by the Presidential Notification dated 07.12.1950 are one and the same in WP No.1554 of 2016 and in the instant writ petition i.e. WP No.43687 of 2017. The only difference being the name of the village and Taluq. While in WP No.1554 of 2016, the Dharmapuram village which was part of Mahabubabad Taluq of Warangal District was included in the Yellandu Taluq, in WP No.43687 of 2017, the Thuthaklingannapet village which was part of Madhira Taluq of Warangal District was included in the Palvancha Taluq at the time of issuance of the Presidential Notification dated 07.12.1950. In view of the above, Thuthaklingannapet village has to be treated as a tribal village and the provisions of the Land Transfer Regulations, 1959 automatically apply.

Para 9. The issue in the writ appeal and the public interest litigation is, therefore, squarely covered by the decision of this Court in WP No.1554 of 2016 vide order dated 25.11.2019, as confirmed in WA No.373 of 2020 vide order dated 20.10.2020.

Para 10. In the circumstances, the writ appeal deserves to be allowed and is accordingly allowed. However, no orders need to be passed in WP (PIL) No.127 of 2020, as the grievance of the petitioner stands resolved. The public interest litigation is disposed of accordingly."

In the light of the above decisions of the Hon'ble High Court for the State of Telangana, all the villages which were part of Madhira Taluq of Warangal District

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were included in the Palvancha Taluq at the time of issuance of the Presidential Notification dated 07.12.1950. In view of this, the village Nacharam is also be treated as a tribal village and provisions of the Land Transfer Regulations, 1959 and its amendment 1/70 will also apply.

With regard to observation (ii), it is found on record that the revision petitioner and one Ch.Nageswara Rao (3rd and 4th respondents) who attended on 16.02.2005 deposed that they have purchased only acs.1.00 suit land from the petitioner i.e. K.Siddik during the year 1969 and remaining land not belongs to them. Contrary to their depositions before the lower court i.e. Special Deputy Collector (TW), they have taken a new plea that they succeeded the property through a will dated 10.03.1970. As seen in pahani 2003-04, name of Revision Petitioner is shown in enjoyers column for the entire suit land of acs.4.00. The alleged Will was invented and brought into existence only to overcome litigation under the LT Regulation.

12. Government after careful examination of the entire case, do not find any valid reason to interfere with the orders passed by the lower and appellate authorities. Accordingly, the orders passed by the Special Deputy Collector (Tribal Welfare), Bhadrachalam in LTR case No.174/98/ENK, dated 7.3.2005 and the Additional Agent to Government, Bhadrachalam in CMA No.85/2005, dated 17.11.2007 are hereby upheld duly dismissing the revision petition filed by Sri Duggineni Keshava Rao S/o late Muthaiah R/o Nacharam village, Enkuru Mandal, Khammam District.

13. The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To
The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam,
Bhadradi Kothagudem District (By RPAD)
The Special Deputy Collector (Tribal Welfare), Bhadrachalam,
Bhadradi Kothagudem District (By RPAD)
Sri Duggineni Keshava Rao S/o Late Muthaiah,
R/o Nagaram Village, Enkuru Mandal, Khammam District(By RPAD)

Copy to:-

The District Collector, Khammam District.
Sri Khaja Khuddish Siddik (NT),
R/o Nacharam (V), Enkoor Mandal, Khammam District.
Sri Nanduri Srinivasa Rao and Sri K.Srimannarayana, Advocates
Bhadrachalam, Khammam District - 507 111.
The Tahsildar, Enkoor Mandal, Khammam District (By RPAD)
(With a direction to serve the copy of GO to concerned parties).
The P.S to Hon'ble Minister (STW)
The P.A to Secretary (TW)
The P.A to Special Secretary (TW).
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.